

REMARKS

New claim 21 corresponds to original claim 9. This claim was reproduced incorrectly in the last amendment and is now entered as a new claim.

In paragraph 6, claims 2-9 and 18-20 stand rejected under 35 USC 102(e) anticipated by Dontula et al. (976). The Examiner states that the applicants' Terminal Disclaimer did not overcome the rejection because Dontula qualifies as prior art under 35 USC 102(e). The Examiner states that Dontula (976) discloses all features of the instantly claimed invention. The Examiner's position is that a suitable toughness of each layer is clearly anticipated by Dontula 976. This rejection is respectfully traversed. The Examiner has no basis for the statement that the toughness of each layer is fairly anticipated by Dontula (976). Dontula does not set forth toughness. Toughness is dependent upon issues such as chemical structure, cross-linking, and the amount and direction of orientation of the polymer sheet. It is not directly dependent upon modulus and toughness may differ substantially among similar modulus materials. In view of the failure to disclose toughness, the Examiner cannot properly consider the Dontula (976) reference as anticipating the property of toughness. Toughness is more important in relation to cutting of the sheet than modulus and this property is a property of interest in the instant application. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 7, claims 2-9 and 18-20 stand rejected under 35 USC 102 (a) as being anticipated by Dontula et al. (656). The Examiner states that Dontula (656) discloses all features of the instantly claimed invention except modulus and toughness of each layer. The Examiner states that the Dontula(656) reference teaches the instant invention as it uses the same polymers and the modulus of each layer reads on the instantly claimed invention. The Examiner states that a suitable toughness of each layer is also clearly anticipated by Dontula (656). . This rejection is respectfully traversed. The Examiner has no basis for the statement that the toughness of each layer is fairly anticipated by Dontula (656). Dontula does not set forth toughness. The toughness is dependent upon issues such as the chemical composition of the polymer utilized, cross-linking of the polymer utilized and the amount and direction of orientation of the polymer

sheet. Toughness is not directly dependent upon modulus and may differ substantially among similar modulus materials. In view of the failure to disclose toughness the Examiner cannot properly consider the Dontula (656) reference as anticipating. The property of toughness is more important in relation to cutting of the sheet than modulus and this property is a property of interest in the instant application and not recognized in Dontula (656). It is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 9, claims 2-9 and 18-20 stand rejected under 35 USC 102 as anticipated by or in the alternative under 35 USC 103 as obvious over Bourdelais. The Examiner states that Bourdelais discloses a paper having laminated thereto a top and bottom sheet comprising oriented polyolefin sheets. a bottom layer adhered to said core of foam. The Examiner states that the skin layers of the sheets may be the same materials as the microvoided core portion. The Examiner points out that Bourdelais does not disclose toughness and modulus. The Examiner states that suitable tensile toughness and modulus are anticipated by Bourdelais or are obvious optimizations to one of ordinary skill in the photographic paper art. This rejection is respectfully traversed.

It is respectfully urged that Bourdelais et al. does not anticipate or suggest the instant invention. The upper and lower sheets have a modulus and toughness as claimed. The material of Bourdelais et al. does not have a foam core sheet. The support material of Bourdelais et al. is a paper sheet. In contrast, the instant invention has a foam support with surface polymer sheets on the topside and bottom side. Bourdelais et al. does not suggest substituting the paper support with a foam, much less that the foam support would have laminated thereto sheets of the specific modulus and toughness as set forth. As set forth in the application, these properties are important for cutting of the sheet having a foam support. This is nowhere disclosed or suggested in Bourdelais et al. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 10, claims 2-7, 9, and 18-20 stand rejected under 35 USC 102 as anticipated by or in the alternative under 35 USC 103 as obvious over Shirai (514). The Examiner states that Shirai's invention is directed to a thermal transfer image-receiving sheet for printing which has high-gloss, smoothness and excellent appearance. The Examiner states that Shirai discloses a color receptive

layer laminated on at least one surface of a substrate. The Examiner states that Shirai discloses a foam core layer for the sheet. The Examiner states that the modulus and toughness is not disclosed but would be obvious. This rejection is respectfully traversed. Shirai discloses thin plastic sheets laminated to a core layer. The thin sheets have a voided core and a surface is both sides of the sheet core. The sheets are adhered to both sides of a substrate. The description is somewhat confusing as the term "core" is utilized both for the center section of the surface sheets and for the substrate to which these sheets are laminated. The Examiner's attention is drawn to the paragraph bridging claims 6 and 7 and to the Examples where the lamination of surface sheets on a substrate is disclosed. A foam core sheet for these laminations is not disclosed or suggested. Therefore, the entire structure of Shirai would need to be changed to have a foam core with surface sheets and to select the modulus and toughness of the surface sheets as instantly set forth in order for the invention to be obtained. There is no disclosure or suggestion to make these changes in Shirai. It is clearly not anticipatory as the Shirai structure is not similar since the lamination of Shariah is to a substrate that is not foamed. Therefore, it is respectfully requested that the rejections under 35 USC 102 and 35 USC 103 over Shirai be reconsidered and withdrawn.

Therefore, it is respectfully requested that the rejections under 35 USC 102 and 35 USC 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,



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